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2 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA  
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15 ING BANK, N.V.,  
16 Plaintiff,  
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18 v.  
19 M/V LIGARI, IMO No. 9279513, her  
20 engines, tackle, equipment, furniture,  
21 appurtenances, etc., *in rem*  
22  
23 Defendant.

IN ADMIRALTY  
NO. 3:15-cv-05881-RBL

**ORDER GRANTING MOTION  
TO APPOINT SUBSTITUTE  
CUSTODIAN**

24 Plaintiff has moved this Court for an order appointing a substitute custodian for the  
25 defendant vessel M/V LIGARI. The Court, having reviewed plaintiff's motion, the  
26 declaration of the proposed substitute custodian, and having received the assent of the United  
States Marshal, IT IS HEREBY ORDERED THAT:

27 1. The vessel has been or will be arrested by the marshal;  
28 2. The vessel is currently located at, or will soon be located at, Kalama,  
29 Washington on the Columbia River.

30 3. National Maritime Services, has agreed to assume the responsibility of  
31 safekeeping said vessel and has consented to act as her custodian until further order of this  
32 Court at the rate of \$425.00 per watchman for each twenty-four (24) hour period, other costs  
33 as outlined in Exhibit A to the declaration of William O'Dell, plus mileage and incidental  
34 expenses to be billed at prevailing federal rates. The substitute custodian will charge

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moorage at the rate currently charged at its present location if not paid directly by the vessel and/or its owners;

4. The proposed custodian has no interest in the outcome of the action in which the vessel is or will be under arrest;

5. No person except the appointed substitute custodian and its agents will be allowed to enter the vessel except as necessary for adequately safekeeping and protect the vessel, and except as may be expressly ordered by this Court;

6. The moving party and/or substitute custodian has obtained the insurance coverage required by the applicable Court rules;

7. The moving party agrees to release the United States and the marshal from any and all liability and responsibility arising out of the care and custody of the vessel, from the time the marshal transfers possession of the vessel to the substitute custodian until the vessel is released or sold, and agrees to hold harmless and indemnify the United States and the marshal from any and all claims whatsoever arising out of the substitute custodian's possession and safekeeping;

8. The proposed substitute custodian accepts appointment as substitute custodian and possession of the vessel and will safely keep the vessel for the duration of the appointment as substitute custodian.

**SO ORDERED** and **SIGNED** this 4<sup>th</sup> day of December, 2015 at Tacoma, Washington.

Ronald B. Leighton  
Ronald B. Leighton  
United States District Judge

**ORDER APPOINTING SUBSTITUTE  
CUSTODIAN - 2  
NO. 3:15-cv-05881-RBI**

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ORDER APPOINTING SUBSTITUTE  
CUSTODIAN - 3  
NO. 3:15-cv-05881-RBL

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